

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

MARK MELMAN, )  
Plaintiff, )  
v. ) No. 3:08-1205  
)

THE METROPOLITAN GOVERNMENT OF )  
NASHVILLE AND DAVIDSON COUNTY, )  
Defendant. )  
Judge Haynes  
Magistrate Judge Brown

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO STRIKE REPLY  
MEMORANDUM IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT  
AND  
DEFENDANT'S MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM**

Defendant, the Metropolitan Government of Nashville and Davidson County, Tennessee ("Metropolitan Government"), submits this Response to Plaintiff's Motion to Strike Defendant's Reply Memorandum in Support of its Motion for Summary Judgment, and this Motion for Leave to File a Reply Memorandum.

The plaintiff is correct that that the Initial Case Management Order in this case provides in a footnote to the sentence containing the dispositive motion deadline that no reply shall be filed to any response unless invited by the Court. See Initial Case Management Order, pg. 4, n. 1 [Docket Entry No. 12]. The very next sentence after the dispositive motion deadline, however, provides that any reply shall be filed by December 14, 2009. Id. at pg. 4.

The Metropolitan Government noticed that December 14, 2009 was set for the filing of a reply brief, and simply overlooked the footnote requiring the invitation of the Court before filing a reply to a response to a dispositive motion. The Metropolitan Government